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ABSTRACT

To explore possible sources of the underrepresentation of minority groups in law school, this paper brings together existing data that describe the participation of members of different racial/ethnic groups, especially African Americans and Hispanics, at successive points along the way to employment in the law. It focuses on the process by which prospective lawyers are educated through the steps that lead to a career in the law, comparing the experiences of minorities with those of their nonminority cohorts. The objective is to identify places along the path to the legal profession at which minority members are most likely to fall by the wayside. Data suggest that African Americans are completing high school later than Whites, but Hispanics are completing high school at lower rates. College enrollment rates have been increasing steadily among high school graduates from all racial/ethnic groups, but only about 16% of African Americans and 10% of Hispanics held baccalaureate degrees. Among the first professional degrees recorded by the National Center for Education Statistics, a law degree appears to be a popular choice for members of minority groups. College graduates who are members of minority groups are proportionately more likely than their white counterparts to consider attending law school. There is no disproportionate loss of any single group at the stage of application to law school. At the level of admission, the racial-ethnic profile of the group of applicants admitted to law school is different than that of the applicant pool. The overall rates of admission of minority groups are generally lower than those of white applicants. These differences may be attributed, at least in part, to the majority-minority gap in Law School Admission Test and undergraduate grade point average measures. Minorities enter legal education at rates that are lower than those of their white counterparts, and law school persistence and completion are lower for Black, Hispanic, and Native American students. The article concludes by identifying possible targets for action to increase minority representation in legal education and the professions. (Contains 11 figures, 24 tables, and 24 references.) (SLD)

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The Road to Law School and Beyond: Examining Challenges to Racial and Ethnic Diversity in the Legal Profession

Gita Z. Wilder

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Law School Admission Council
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Executive Summary

Despite a steady increase in minority law school graduates since the early 1980s, African Americans made up only 6.5% of newly employed lawyers in 2001. Asians represented 6.7%, Hispanics 3.4%, Latinos 1.5%, Native Americans 0.6% and multiracial individuals 0.5%. With the exception of the numbers for Asians, these figures are considerably lower than the corresponding proportions that the groups represent of the U.S. population. In an effort to explore possible sources of the underrepresentation, this article brings together existing data that describe the participation rates of members of different racial-ethnic groups, particularly African Americans and Hispanics, at successive points along the way to employment in the law. It focuses on the process by which prospective lawyers are educated, starting with graduation from high school, through the steps that lead to a career in the law, comparing the experiences of minorities with those of their nonminority cohorts. The objective of the article is to identify places along the path to the legal profession at which members of minority groups are most likely to fall by the wayside.

The study starts with high school graduation. According to data from the census, the high school completion rate for African Americans in 1998 was about 73%, an impressive increase from about 20% in 1960! The rate for Hispanics of any race was 60%, up from 32% in 1970, the first year for which data were available for Hispanics. Nonetheless, these figures compare unfavorably with the 82% of white students between the ages of 18 and 24 who had completed high school by 1998. When the reference group changes from 18-to-24 year olds to 25-to-29 year olds, graduation rates increase: roughly 88% of white adults between 25 and 29 had completed high school by 1998 and the rates among *this* age group for African Americans who completed high school were virtually identical with those of whites, 88% rounded. These data suggest that African Americans are completing high school later than whites. Hispanics, though, continued to complete high school at lower rates.

College enrollment rates have been increasing steadily among high school graduates from all racial-ethnic groups, so that by 1998, just over 68% of the white population between 18 and 24 had been enrolled in (four-year) college for one or more years. Because African American and Hispanic high school graduates do not enter four-year colleges at the same rate as their white peers, the comparable percentages of African American and Hispanic 18-to-24 year olds that had been enrolled in college for at least one year were 62 and 53. Whatever source is consulted, the college completion rate for African Americans is considerably lower than the rate for whites, and the rate for Hispanics is lower still. Census data show that roughly 27% of all 25-to-29 year olds and 28% of whites in the same age group had earned at least a bachelor's degree by 1998. However, according to the annual report on the status of minorities in education issued by the American Council on Education (ACE) only about 16% of African Americans and 10% of Hispanics held baccalaureate degrees.

Data that describe first professional degrees show that, among the first professional degrees recorded by National Center for Educational Statistics (NCES), a law degree appears to be a popular choice for members of minority groups. In fact, college graduates who are members of minority groups are proportionally more likely than their white counterparts to consider attending law school, according to data collected by Law School Admission Council (LSAC). Almost one third (32%) of the Law School Admission Test (LSAT) examinees in 1999-2000 were members of minority groups, compared with 22% of those who received bachelor's degrees in that year. By way of contrast, non-Hispanic whites received 81% of the bachelor's degrees awarded in that year but represented 70% of the LSAT-takers in 1994. Because the proportions of LSAT-takers who do not apply to law school after having taken the test are roughly equal (between 20 and 22%) for all groups, there is no disproportionate loss of any single group at this stage of application to law school.

At the level of admission, the racial-ethnic profile of the group of applicants admitted to law school is different from that of the applicant pool. Even though all groups apply to law school in percentages that exceed their representation in the population of individuals with bachelor's degrees, the overall rates of admission of minority applicants are generally lower than those of white applicants. Since these rates are not uniform across the distributions of LSAT scores and undergraduate grade-point averages (UGPAs), the differences in overall acceptance rates may be attributed at least in part to the minority-majority gap in these measures.

As was the case with college, then, minorities enter legal education at rates that are lower than those of their white counterparts. In addition, law school persistence and completion are lower for black, Hispanic, and Native American law school students than they are for Asian and white students. Yet, owing to high levels of interest in and application to law school on the part of minorities, the racial-ethnic composition of the population of law school graduates looks very much like that of the population of individuals with bachelor's degrees. The percentages of law degrees earned by Asians, Hispanics, and American Indians are virtually identical to the percentages of bachelor's degrees earned by those groups. Only among African Americans is there a drop-off between bachelor's degree and law degree, with the result that African Americans are ultimately more underrepresented among the latter. Finally, because black, Hispanic, and

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Native American bar examinees pass at lower rates than their Asian and white counterparts, the end result is a legal profession in which these groups are underrepresented relative to the total population.

Because the article is based on data that has been gleaned from multiple sources, collected at different times, and using different instruments and questions, there appear to be inconsistencies among them. Nonetheless, they tell the same basic story, even when numbers vary slightly from source to source. The most heartening trend discernible from the data summarized in the article is a substantial increase in the participation of minority groups in legal education since the 1970s. The experience of at least one minority group—Asian Americans—along the pathway to the legal profession is similar to that of whites. Among groups that continue to be underrepresented—blacks, Hispanics, and Native Americans—both their numbers and proportions have increased at virtually all of the junctures treated in the report.

The article concludes by identifying possible targets for action to increase minority representation in legal education and the profession.

Introduction

According to the most recent report on the employment of law school graduates,[1] members of racial and ethnic minority groups represented about 20% of the nearly 38,000 graduates of American Bar Association (ABA)-accredited law schools in 2001. The good news is that the representation of minorities among law school graduates and new lawyers has increased steadily over the past 20 years, with minor vicissitudes from year to year. However, the increase in minority law school graduates since the early 1980s has done little to enhance minority presence in the legal profession. For example, although attorneys of color—meaning attorneys from non-white racial-ethnic groups—accounted for 19.1% of the newly employed graduates from the law school class of 2001, African American lawyers made up 6.5% of the total, Asians 6.7%, Hispanics 3.4%, Latinos 1.5%, Native Americans 0.6% and multiracial individuals 0.5% (computed from numbers found in NALP, 2002). Since, with the possible exception of the numbers for Asians, these figures are considerably lower than the proportions of racial-ethnic minorities in the U.S. population, it seems reasonable to ask why.

There are many possible reasons why racial-ethnic minority groups are underrepresented among lawyers. Any attempt to increase the diversity of the legal profession will need to take account of the full range of reasons in order to address the ones that are amenable to change. Therefore, a major goal of research aimed at increasing diversity in the legal profession is to identify and understand the factors that are responsible for its lack. Understanding the causes of underrepresentation is the first step in the process of devising strategies to increase racial-ethnic diversity in the profession.[2] This article examines the educational path to the legal profession in order to identify the points in the process at which members of minority groups leave it.

The article brings together existing data that describe the participation rates of members of different racial-ethnic groups at successive points along the way to employment in the law. It focuses on the process by which prospective lawyers are educated, starting with graduation from high school, through the steps that lead to a career in the law and, where appropriate, comparing their experiences with those of their nonminority cohorts. Although there are undoubtedly many other places to look for answers, such as preferences for other career paths and discrimination in hiring practices, this search starts with education, since education is virtually the only path to the profession.

There is no single source of data that can accomplish this objective. As a result, the data on which the article is based are drawn from multiple sources often representing somewhat different time periods. The article includes the most current available information from any given source, which explains why there are differences in the years for which data are reported. Sometimes, the information of interest is inferred from several sources or computed from raw data originally collected to answer a different set of questions. Consequently, there are discontinuities and seeming inconsistencies in and among specific tables and charts. These are a function of their multiple origins; they may have been collected at different points in time, by organizations with different objectives, using different questions, with slight variations in the definitions of variables of interest. Nevertheless, although the numbers from disparate sources and years may not agree precisely, they do add up to a coherent picture of the status of minorities in legal education.

For purposes of this article, the representation of minority groups is compared to the racial-ethnic composition of the U.S. population. Because the pathway to the legal profession is cumulative, in the sense that each step is dependent upon successful completion of the previous one, minority representation at each

[1] NALP, 2001, reporting on the law school class of 2000.

[2] This article avoids discussion of whether law schools and the legal profession should be any more diverse than they are. The arguments for diversity in legal education and the law are made elsewhere (e.g., Gurin, 1999; Lempert, Chambers, & Adams, 2000; Orfield & Whitla, 2001; Wightman, 1997) and are simply assumed here.

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step may also be compared to the minority composition of the pool of people qualified to take that step. The article references as well projected changes in the general population, to invite speculation about how the potential supply of minority lawyers could be affected by a shifting citizenry. The article ends by reviewing the entire pathway to the profession and the ways in which representation changes over its course. This analysis is viewed as the first step in understanding whether and how diversity may be diminished or enhanced at the various decision points.

How Diverse Is the U.S. Population?

According to data from the United States Census (Table 1), white individuals ("not of Hispanic origin") made up 75.6% of the U.S. population in 1990 (U.S. Census Bureau, Statistical Abstract of the United States, 2000, Table 4). Black Americans[3] accounted for 11.7% of the population in that same year, Asians for 2.7%, and American Indians for 0.7%.[4] Individuals "of Hispanic origin," who may be, according to the way in which the Census Bureau collects the data, of any race, comprised 9% of the population in 1990. By 2000, respondents to the census form were permitted to identify themselves as belonging to more than one racial-ethnic group. In that year, among those who designated a single race in the census-taking process—97.6% of those surveyed—75.1% identified themselves as white (U.S. Census Bureau, Statistical Abstract of the United States, 2000, Table 1).[5] Again, among those who chose a single race, 12.1% identified themselves as black or African American, 3.6% as Asian, and 0.9 % as American Indian or Alaska Native. Hispanics or Latinos, who could be of any race, made up 12.5% of the population reached by the 2000 census (U.S. Census Bureau, Census 2000 Summary File 1 [SF1]). Although the 1990 and 2000 figures are not strictly comparable given changes in the way in which the racial-ethnic categories were presented to respondents, the differences between them describe a population that is increasing in diversity.

TABLE 1
U.S. population, by selected racial-ethnic group, 1990 and 2000

Racial-Ethnic Group	1990		2000	
	Number*	Percentage	Number*	Percentage
Total	248,710		281,422	
Hispanic/Latino	22,354	9.0	35,306	12.5
Not Hispanic/Latino	226,356	91.0	246,116	87.7
White	188,128	75.6	194,553	69.1
Black or African American	29,216	11.7	33,948	12.1
Asian	6,642	2.7	10,123	3.6
American Indian/Alaskan Native	1,794	0.7	2,068	0.7
Native Hawaiian or Pacific Islander	326	0.1	354	0.1
Other	249	0.1	468	0.2
Indicated 2 or more races			4,602	1.6

*In thousands
Source: Statistical Abstract, U.S. Department of the Census, 2000

The Census Bureau constructs projections of the composition of the U.S. population under three different sets of assumptions. Under any of these assumptions, the population is expected to become more racially diverse in the first few decades of the 21st century than at any previous time in its history. Using the mid-level projection, for example, it is expected that, by 2020, the percentage of white Americans will drop from 82 to 79 (64% of whites who are not of Hispanic origin) and the percentages of minorities will increase. According to this set of projections, black Americans will make up 14.0% of the population in 2020, Asians 6.1%, and American Indians 1.0%. In the largest proportional increase of all, individuals of Hispanic origin are expected to comprise 16.3% of the population by 2020, and almost one-fourth (24.5%) of it by the turn of the 21st century.

[3]As a convention throughout the article, category labels in the text will match the labels used in the sources from which the data were derived.

[4]The labels the Census Bureau applies to these groups were "White," "Black," "Asian/Pacific Islander," and "American Indian, Eskimo, Aleut" in 1998; and "White," "Black or African American," "Asian," and "American Indian or Alaska Native" in 2000.

[5]To illustrate how this seemingly minor difference in reporting can change the numbers, when Hispanic origin is recorded independent of race, the racial-ethnic composition of the U.S. population in 1998 is described as 11.2% "of Hispanic origin," 72.3% white, 12.1% black, 0.7% American Indian, and 3.7% Asian (U.S. Census Bureau, Statistical Abstract of the United States, 1999, Table 19). If respondents are asked to report race alone, the comparable figures for white and black Americans increase to 82.1% and 12.8%, respectively.

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How Diverse Is the Legal Profession?

As the introduction to this article pointed out, there had been substantial increases by the end of the twentieth century in the rates at which students from racial and ethnic minority groups entered and graduated from law school. These changes increased minority representation in law schools, but the profession has been much slower to catch up. In 1998, data from the U.S. Census showed that 4.0% of lawyers were African American and 3.0% were Hispanic, these percentages having increased in each case by roughly 0.5% since 1990. More complete data about minorities in the law were available in 1990, and there should be new estimates presently, based on the 2000 Census.[6] The 1990 data showed that of the just under 800,000 lawyers and judges in the U.S., 7.8% were members of minority groups (see Table 2), 3.6% African American, 2.5% Hispanic, 1.4% Asian, and 0.2% Native American. Although the 1998 data showed very small increases over the 1990 proportions of African American and Hispanic lawyers, it has been estimated that the representation of Asians and Native Americans in law schools has been increasing at a rate that exceeds that for African Americans and Hispanics (ABA, 2000 [*Miles to Go*], p. 1).

TABLE 2
Minorities in the legal profession, 1990

	Total	All Minorities	African American	Hispanic	Asian American	Native American
Lawyers						
Number	747,077	56,504	25,670	18,612	10,720	1,502
Percentage	100	7.56	3.44	2.49	1.43	0.20
Judges						
Number	32,294	3,909	2,278	1,098	342	191
Percentage	100	12.07	7.03	3.39	1.06	0.59
Both						
Number	779,471	60,413	27,948	19,710	11,062	1,693
Percentage	100	7.75	3.59	2.53	1.42	0.22

Source: U.S. Census Bureau, 1999.

Figure 1, based on information contained in Tables 1 and 2, juxtaposes the racial-ethnic compositions of the current U.S. population and the legal profession. It offers a graphic view of the disparities between whites and selected minorities with respect to their representation in the legal profession.

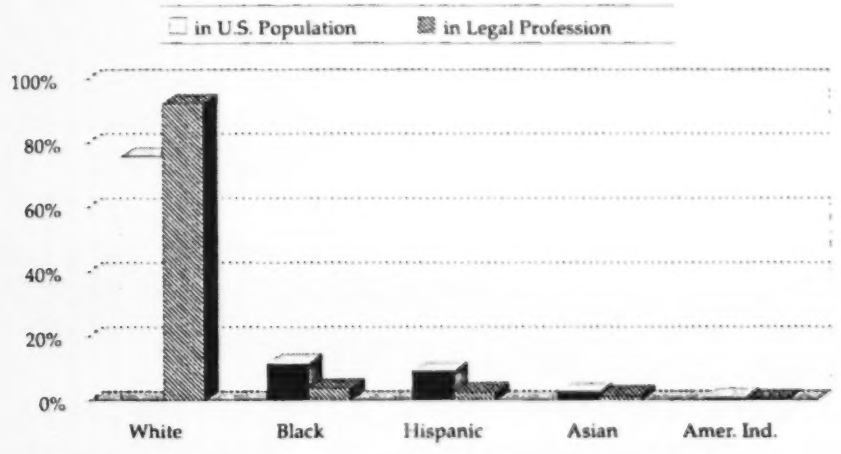

FIGURE 1. *Diversity in the U.S. population and legal profession 1990*

[6]Data derived from the "long form" of the census questionnaire, which includes questions about respondents' occupations, appear later than the basic enumeration figures. The 2000 Census data will undoubtedly look different, since the option of choosing more than one race will change the numbers in some categories.

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It is also the case that patterns of employment in the law are different for members of minority groups and for whites, either because of differential opportunity and access or differential interest. Among individuals who do become lawyers, those from minority groups are slightly more likely than their nonminority counterparts to work in public interest law or in government (NALP, 2001). So, while 27.1% of all lawyers who entered the job market in 2000 were employed in "public service positions," which include government jobs, judicial clerkships, and public interest positions, 31% of employed minority graduates held such jobs. Among the 2000 cohort, 4.7% of African Americans and 4.0% of Hispanics were employed by public interest organizations, compared with 2.4% of newly employed white lawyers. Similarly, 20.6% of African Americans lawyers and 17.8% of Hispanic lawyers were working in government (NALP, 2001, p. 51). Earlier data show that minority representation among judges was greater (12.1% in 1990, see Table 2) than minority representation among lawyers (7.6%). In that year, 7.0% of judges and only 3.4% of lawyers were African American and 3.4% of judges and 2.5% of lawyers were Hispanic (ABA, 2000 [*Miles to Go*], p. 1).

Data describing the recipients of "first professional degrees," which will be reported in some detail in a later section of this article, show that minorities have enjoyed increasing representation in many professions, as the percentage of first professional degrees awarded to whites decreased from 92 to 74 between 1976-1977 and 1999-2000. First professional degrees were awarded to increasing numbers and percentages of all of the minority groups in all of the fields for which there were data. The percentage of first professional degrees awarded to blacks increased over the 20-year period from 4 to 7; to Hispanics, from 1.7 to 4.6; to Asian/Pacific Islanders, from 1.7 to 10.7, the largest percentage increase; and to American Indians from 0.3 to 0.7. Yet even after these increases, minorities remain underrepresented in most if not all of the professions for which data are available.

Studying the Path to the Legal Profession

Although a case will ultimately be made that preparing students to enter law school may require action earlier in the educational process, this particular account starts with high school completion. The main reason for starting there is that the influences on earlier education are many and diffuse and are currently beyond the reach of those who aspire to increase minority presence in the legal profession relatively quickly. It is also the case that compulsory schooling means that students from different racial-ethnic groups *enter* high school at rates that approximate more closely their representation in the larger population than do their completion rates.

The analysis focuses on the two largest groups that are underrepresented in the legal profession, African Americans and Hispanics, although data for other groups are included as well for purposes of comparison. It is acknowledged at the outset that treating all of these groups, particularly Hispanics and Asians, as monolithic masks important differences within each group. In general, the educational paths of Mexican-Americans differ substantially from those of Cuban-Americans, and the educational paths of Japanese Americans differ substantially from those of Cambodian Americans. However, it is also the case that, in order to study the phenomenon, it is necessary to work with sufficiently large groups to allow for reliable estimates of differences between them. Consequently, Hispanics and Asians will be treated as unitary in this initial effort to assess the magnitude and nature of underrepresentation.

Assuming that a key objective is to increase the number of minority lawyers to reflect something approaching the proportion that minorities represent in the larger population, it makes sense to look at proportional representation at each step in the sequence of educational processes by which one becomes a lawyer. These include events leading up to a decision to apply to law school; the law school application and admission processes; entry into, persistence in, and completion of law school; and, ultimately, admission to the bar. While it may be neither sensible nor feasible to examine every possible decision point prior to the decision to apply to law school, a logical starting point seems to be graduation from high school.

Losses Prior to Application to Law School

A Longitudinal Examination of Educational Attainment

Virtually all of the data that will be presented in the remainder of this article are cross-sectional. This means that they represent a single year or, at most, two, and the events of that—or those—year(s) only. They do not show what happens to a single cohort as it progresses along the educational highway. Consequently, conclusions about participation at various stages along the way must be inferred, as they will be throughout the article, from multiple instances of cross-sectional data, and therefore from different groups of individuals.

An exception is provided by one of the few extant longitudinal studies of educational attainment. The High School and Beyond (HS&B) study, commissioned by the U.S. Department of Education, followed a single cohort from high school through post baccalaureate education and produced a database that is widely

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cited. Although the results are somewhat dated, the group comparisons it highlights, again with the possible exception of the figures describing Asian achievement, have not changed substantially in the period since the data were collected. The study involved a national sample of 14,283 students who were high school sophomores in 1980. The longitudinal data it produced complement and support the findings that appear in the remainder of this article and that have been patched together from disparate cross-sectional sources.

Figure 2 is a flow chart that describes the educational history of the entire HS&B sample. The chart shows that 92.2% of the 1980 sophomores graduated from high school, 88.6% with their "class" in 1982, and 3.6% at some later date. Among the high school graduates, 63.2%—60.8% of the initial group of 14,282—entered some form of post secondary education, 38.1% in four-year institutions, 30.4% in two-year institutions, and 21.9% in a combination of two- and four-year institutions. More than half of the group (54.4%) earned some form of certification or degree that represents completion of an educational program beyond high school; 24.9% earned bachelor's degrees, and 10.3% degrees beyond the bachelor's, including law degrees. Figure 3 shows this progression graphically.

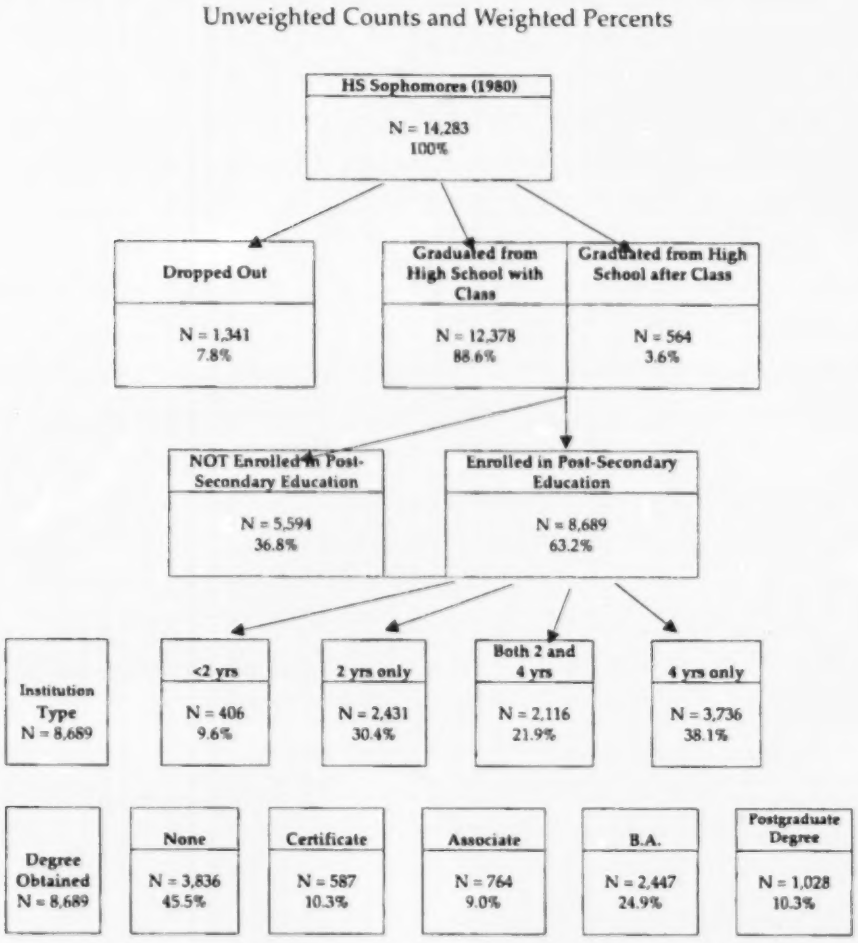

FIGURE 2. *The higher education pipeline*

Source: Tienda, M. (March 2001). College admission policies and the educational pipeline: Implications for medical and health professions. Presentation at the Symposium on Diversity in the Health Professions in Honor of Herbert W. Nickens, M.D. Washington, D.C: National Academy of Sciences.

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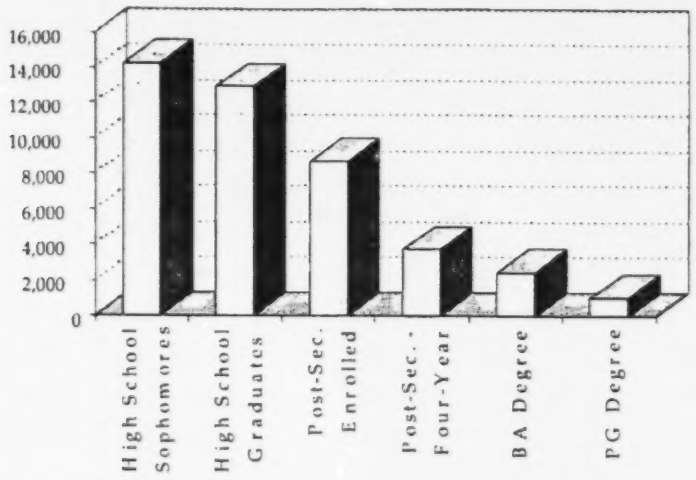

FIGURE 3. *The higher education pipeline*

Source: High School and Beyond.

Figure 4 decomposes the earlier flow chart by racial-ethnic group, and Figure 5 presents the same data graphically. Both figures show that 77.5% of the high school sophomores in 1980 were white, 13.7% black, 7.5% Hispanic, and 1.3% Asian. (The racial distribution of high school sophomores would be somewhat different today, more than 20 years later.) The figures also show considerable variation in educational attainment rates among the four groups. Compared with 93.6% of the white students in the sample and 97.5% of the Asian students, only 88.1% of the black students and 85.0% of the Hispanic students graduated from high school. If the study had been based on freshmen rather than sophomores, it is likely that the gaps in graduation rate among groups would have been even wider. As will be seen, cross-sectional dropout rates for black and Hispanic students are considerably higher than are suggested by the graduation rates reported by HS&B. Nonetheless, Hispanic students in the HS&B sample were most likely to have dropped out of high school after the sophomore year and, among those who graduated, were less likely than students from other groups to have graduated with their respective classes.

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Unweighted Counts (n = 14,283) and Weighted Percents

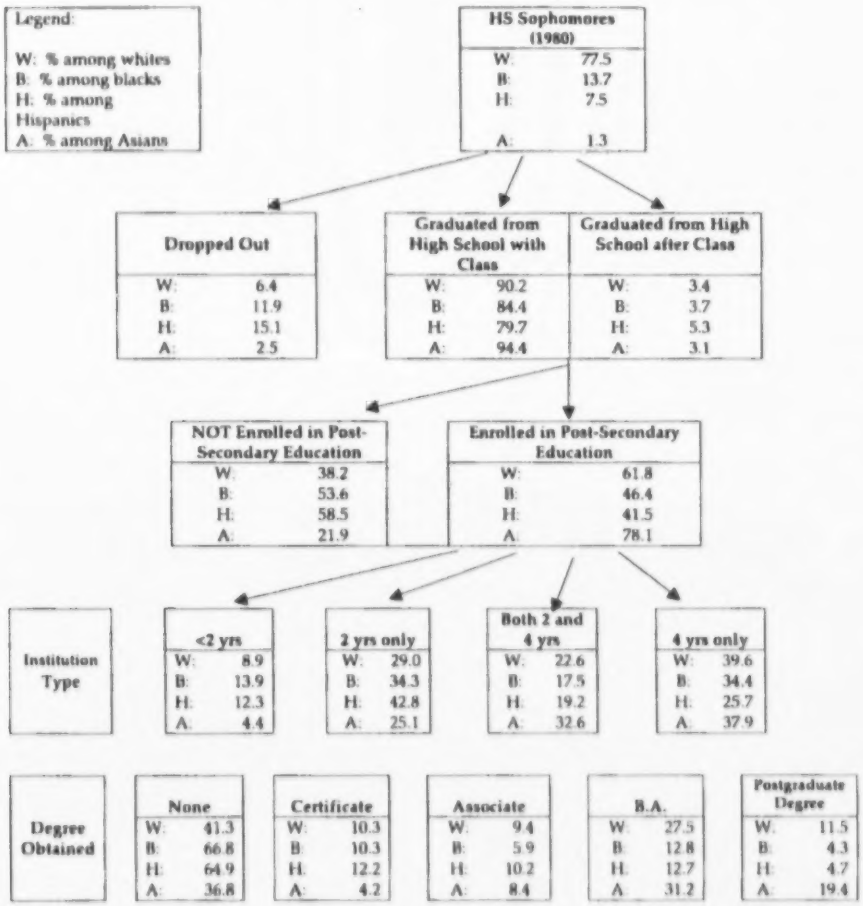

FIGURE 4. *The higher education pipeline, by race*

Source: Tienda, M. (March 2001). College admission policies and the educational pipeline: Implications for medical and health professions. Presentation at the Symposium on Diversity in the Health Professions in Honor of Herbert W. Nickens, M.D. Washington, D.C.: National Academy of Sciences.

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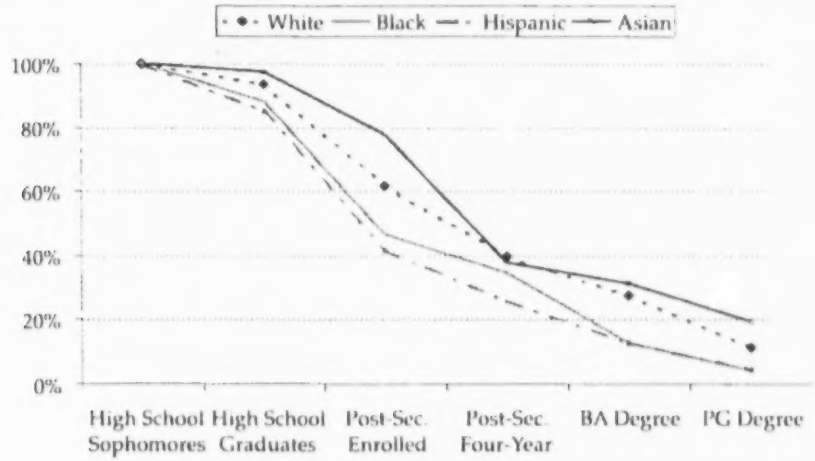

FIGURE 5. *The higher education pipeline, by race-ethnicity*

Source: High School and Beyond.

Hispanic and black students who did complete high school were less likely to enroll in post-secondary education than were white and Asian students and were more likely than their white and Asian counterparts to have enrolled in and attended post-secondary programs for fewer than two years. White and Asian students were more likely than black and Hispanic students to have enrolled in four-year programs; the percentages of the four groups that enrolled in four-year programs were, respectively, 62.6 and 70.5 of white and Asian students, and 51.9 and 44.9 of black and Hispanic students.

There are even larger discrepancies among groups in the attainment of post-secondary degrees. Roughly two-thirds of the black and Hispanic students, compared with 41% of white students and 37% of Asian students, did not earn any kind of certification beyond high school. Hispanic students were more likely than students from the other groups to have earned certificates and Associate's degrees, while black and Hispanic students were considerably less likely than white and Asian students to have earned Bachelor's degrees and degrees beyond the Bachelor's. Although the information from the HS&B survey is older than data from the more recent census counts, the HS&B findings support more recent cross-sectional data. Both show considerable loss of minority group members from the pipeline at the levels of high school completion, entry into post-secondary education, and attainment of bachelor's and graduate or professional degrees. With each level of loss, the pool of candidates for entry into the next level is reduced in size. So, while the discrepancy between the proportions of white and minority graduates (say) may appear to be small in any given analysis, the fact is that the minority groups are smaller to begin with and failure to attain the next step may represent an even more significant loss.

A high school diploma or its equivalent is a precondition to entry into college and the attainment of a baccalaureate degree. The baccalaureate degree is, in turn, nearly always in the United States, a requirement for application to law school. The remainder of this article will describe the pathway to the legal profession based on multiple sources of more recent data, starting with high school completion.

High School Graduation

Data from the U.S. Bureau of the Census show that high school completion rates among minority group members have risen substantially over the past 20 years. In 1998, the overall high school completion rate among 18-to-24 year olds was 81.6%. Although the Census Bureau does not report completion rates separately for American Indians or Asians, it does so for blacks and Hispanics, which data show that, despite dramatic gains at the end of the twentieth century, the latter groups still lag behind white Americans in completing high school. The completion rate for blacks in 1998 was 73.4% (Harvey, 2001, p. 7), an impressive increase from about 20% in 1960! The rate for Hispanics of any race was 59.8%, up from 32% in 1970, the first year for which separate data were available for Hispanics. Within the larger Hispanic category,

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there were substantial differences among subgroups. The completion rate for all Hispanics was 55.5%,[7] but the separate rates for Cuban Americans, Mexican Americans, and Puerto Ricans were 67.8%, 48.3%, and 63.8% respectively.

The counterpart to the rates at which individuals from different groups graduate from high school, are the rates at which they drop out. Although dropout rates for all groups have decreased over time, it has always been the case that the overall dropout rates for Hispanics and blacks and for Hispanic males, in particular, have been higher than the comparable rates for whites (see Table 3). The contrast in 1997 for status dropouts, that is, individuals who failed to complete high school in that year,[8] was 12.4% of whites and 16.7% and 30.6%, respectively, of blacks and Hispanics.

TABLE 3
High school status dropout rates (percentages of enrollment) for selected years, by race/ethnicity

Item	1975	1980	1985	1990	1995	1996	1997
Total	15.6	15.6	13.9	13.6	13.9	12.8	13.0
White	13.9	14.4	13.5	13.5	13.6	12.5	12.4
Male	13.5	15.7	14.7	14.2	14.3	12.9	13.8
Female	14.2	13.2	12.3	12.8	13.0	12.1	10.9
Black	27.3	23.5	17.6	15.1	14.4	16.0	16.7
Male	27.8	26.0	18.8	13.6	14.2	17.4	17.5
Female	26.9	21.5	16.6	16.2	14.6	14.7	16.1
Hispanic	34.9	40.3	31.5	37.3	34.7	34.5	30.6
Male	32.6	42.6	35.8	39.8	34.2	36.2	33.2
Female	36.8	38.1	27.0	34.5	35.4	32.7	27.6

Source: U.S. Bureau of the Census, 2000.

To return to high school completion, in 1998, the most recent year for which Census Bureau data on high school graduation are available, the disparity between white and African American individuals was 8 percentage points (Harvey, 2001, p. 7).[9] Roughly 82% of white students between the ages of 18 and 24 had completed high school by 1998 (see Table 4), while only 73% of African Americans in that age group had done so. The graduation rate of Hispanic students was even lower, 62%, representing a disparity between it and the rate for white students of 20 percentage points. (The high school completion rates for both of the minority groups increased by about 7% over the 20-year period between 1977 and 1998, narrowing but not eliminating the gap that had existed in the late 1970s.) In all three groups, females completed high school at higher rates than males. The male-female discrepancies were higher for African American and Hispanic than white students, 6 percentage points between African American and Hispanic women and men, compared with 4 percentage points between white women and men (Harvey, 2001, p. 7).

TABLE 4
Educational attainment of 18-24 year olds, 1998

	% Graduating from High School	% Enrolled in College for One or More Years	% Enrolled in College During 1998
African Americans	73.4	61.8	40.6
Hispanics	61.8	53.2	34.1
Whites	81.6	68.3	45.2

Source: U.S. Department of Commerce, Bureau of the Census, Current Population Reports, P-20, cited in Harvey (2001).

When the reference group changes from 18-to-24 year olds to 25-to-29 year olds, which is the base on which the federal government calculates college participation, the picture changes. According to Current Population Statistics (CPS) data for 1998 (see Table 5), roughly 88% of white adults between 25 and 29 had completed high school by then, an increase during the preceding decade of about two percentage points.

[7]The difference between this and the figure provided earlier in the same paragraph represents a difference between sources of the data.

[8]The National Center for Educational Statistics (NCES) distinguishes between "status" and "event" dropouts. Status dropouts are individuals who failed to complete high school in any given year; only the data for status dropouts are included here.

[9]All of the data presented here about African American and Hispanic high school completion rates and participation in higher education are drawn from Harvey, William B. (2001), Minorities in Higher Education 2000-2001, Washington, D.C.: American Council on Education. Page numbers refer to that volume.

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Among individuals in *this* age group, African Americans completed high school at rates that approached those of whites. Thus, 87.6% of African Americans between 25 and 29 had completed high school by 1998, only slightly less than the 88.1% of whites. Viewed in conjunction with the high school completion data for younger African Americans (Table 4), it appears that African Americans are completing high school later than whites. Hispanics, though, continued to complete high school at lower rates. Only 62.8% of Hispanics between 25 and 29 had completed high school by 1998.

TABLE 5
Educational attainment of 25-29 year olds, 1998

	% of 25-29 Year Olds Who Graduated from High School in or by 1998	% of 25-29 Year Olds Who Graduated from College in or by 1998
African Americans	87.6	15.8
Hispanics	62.8	10.4
Whites	88.1	28.4

Source: U.S. Department of Commerce, Bureau of the Census, Current Population Reports, P-20, cited in Harvey (2001).

To start, then, the patterns of African American and Hispanic students leaving high school differ from those of their white peers. Hispanics lag behind both whites and African Americans with respect to high school graduation. And, while African Americans do achieve near parity with whites with respect to rates of high school graduation, they do so later than whites, by their late twenties, beyond the time when high school graduates typically enter college. This means that the pool of college entrants underrepresents black and Hispanic Americans when compared with the racial-ethnic composition of the total U.S. population. More to the point, the disparity in graduation rates reduces the pool of black and Hispanic individuals who are eligible to move to the next step, attending college. Given the underrepresentation of minorities in all professions, not just the law, it is difficult to underestimate the importance of this disparity.

College Participation

College enrollment rates have been increasing steadily among high-school graduates from all racial-ethnic groups. Between 1977 and 1997, the college participation rates for white high school graduates increased by more than 13%. In 1998, just over 68% of the white population between 18 and 24 had been enrolled in college for one or more years (Harvey, 2001, p. 12), although the proportion of students that was actually enrolled in college in 1998 was considerably lower, roughly 45% (see Table 4 above), since the former figure includes individuals who may have completed college or enrolled but then dropped out. The comparable percentages of African American and Hispanic 18-to-24 year olds that had been enrolled in college for at least one year were 62 and 53 (Harvey, 2001, pp. 12–13). During the 20 years in question, the college participation rates of the two minority groups fluctuated, declining in the 1980s, picking up again in the early 1990s and, in the case of African Americans, declining again slightly in the mid 1990s. The rates for Hispanics increased steadily throughout the 1990s. In each of the three groups, proportionally more women than men entered college between the late 1970s and the late 1990s.

Clearly, African American and Hispanic high school graduates are not entering four-year colleges at the same rate as their white peers, although the drop-off between high school graduation and entry into college is only slightly greater for the two minority groups of interest than for whites. However, the minority pools are considerably smaller than the white pool, resulting in a loss of potential baccalaureate degree recipients that may actually be more significant than in the case of the former.

College Completion

College completion data are compiled by the U.S. Census Bureau for the national population of individuals between the ages of 25 and 29, and only for those who have completed high school. Whichever source is consulted, the college completion rate for African Americans is considerably lower than the rate for whites, and the rate for Hispanics is lower still (see, for example, Table 6). CPS data show that 27.3% of all 25-to-29 year olds and 28.4% of whites in the same age group had earned at least a bachelor's degree by 1998. However, according to the annual report on the status of minorities in education issued by the American Council on Education (ACE) only 15.8% of African Americans and 10.4% of Hispanics held at least a baccalaureate degree (Harvey, 2001, p. 12). The discrepancy may be due to differences in the base: high school graduates in the first case and all individuals in the age group in the second.

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TABLE 6
Graduation from Division I institutions, 1998

Race-Ethnicity	% Graduating from Division I Institutions
African Americans	37
American Indians	37
Asians	66
Hispanics	48
Whites	59

Source: Harvey, 2001

A different source of college completion data, the National Collegiate Athletic Association (NCAA), reports six-year college graduation rates for members of five racial/ethnic groups. The annual ACE report typically focuses its attention on the NCAA data for Division I institutions,[10] from which all groups appear to graduate at higher rates than attendees at the full range of higher education institutions. In 1998, the NCAA reported an overall graduation rate of 56% among students at Division I institutions. The rate for white students was 59%, and rates for individual racial/ethnic groups ranged from 37% among both African Americans and American Indians to 66% for Asian Americans. Hispanic students at Division I institutions graduated at a rate of 48% (p. 21). Although the rate for African American students had increased since the early 1990s and the rate for Hispanic students remained fairly stable during the same period, Hispanic students appear to have been graduating from Division I institutions at higher rates than African Americans. This discrepancy exists despite the fact that other data show African Americans completing high school and entering and completing college at higher rates than Hispanics.

Among both African American and Hispanic college students there have been consistent differences in the six-year graduation rates of women and men. In 1997, 45% of African American women graduated within six years of entering college, compared to 34% of African American men. The corresponding rates for Hispanic women and men were 47% and 43%, not nearly so dramatic a difference. There were also discrepancies in the rates at which African American and Hispanic students graduated from independent and public institutions. Fifty-two percent of African Americans in independent Division I institutions graduated within six years, compared to 38% of African Americans in public Division I institutions. The comparable gap among Hispanic students was even larger, 64% having graduated from independent and 40% from public institutions. These differences bear some investigation, since independent Division I institutions appear to produce the largest proportions of graduates from the minority groups of interest here. Despite differences among sources in magnitude, however, the rates at which African American and Hispanic students complete college are lower than the rates at which their white contemporaries do so.

Degrees Conferred

Data describing degrees granted are another source of information about minority representation in higher education. These data typically reflect the proportion of all degree recipients from different ethnic groups rather than the proportions of the enrollees in particular degree programs that receive degrees. Once again, the data paint an overall picture of slow progress.

Between 1987 and 1998, the percentage of all bachelor's degrees awarded that was awarded to students of color increased from 12.1 to 20.6. During the same period, the percentage of first professional degrees awarded to students of color increased from 11.2 to 22.1. Minorities (meaning, in this case, African Americans, American Indians, Asian Americans, and Hispanics) earned 16.2% of the master's degrees awarded in 1998, 4.4% of the doctorates, and 22.1% of the first professional degrees, in which category law degrees are included. All of the percentages represent increases over earlier years.

Of the total degrees granted in each category, the percentages earned by African American and Hispanic degree recipients in 1998 were 8.3 and 5.6%, respectively, of all bachelors degrees awarded, although the two groups represented roughly 11% and 9% of all undergraduate students. African Americans earned 7.0% of the master's degrees awarded in 1998, 3.4% of the doctorates, and 7.0% of first professional degrees. Among Hispanics, the comparable rates were 3.8% of master's degrees, 2.8% of doctorates, and 4.5% of first professional degrees (see Table 7). While, in all cases, these percentages are larger than the comparable percentages of 10 years earlier, they are, without exception, considerably lower than the percentages of each group enrolled in the programs of interest.

[10]NCAA divisions reflect athletic groupings, based on a number of factors. Division I schools are typically those with the most numerous and the most elaborate sports programs. The NCAA routinely monitors the graduation rates of these institutions.

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TABLE 7
*Percentage of higher education degrees granted to members of selected groups, 1998**

	Bachelor's Degrees	Master's Degrees	Doctoral Degrees	First Professional Degrees
Whites	76.1	71.6	54.7	75.6
African Americans	8.3	7.0	3.4	7.0
Hispanics	5.6	3.8	2.8	4.5
Asians	6.1	4.9	2.7	9.8
American Indians	0.7	0.5	0.4	0.7

*U.S. Citizens only
**Source: Minorities in Higher Education, 2000-2001, American Council on Education

The National Center for Educational Statistics (NCES), a division of the U.S. Department of Education, collects data about selected categories of first professional degrees (Table 8), meaning degrees that are required for entry into a profession. Among the first professional degrees represented by data,[11] law is by far the most frequent, accounting for almost half (47.7%) of the degrees reported by NCES in 1999-2000, the most recent year for which there are data. Law is followed by medicine (19.1% of the degrees awarded) and theology (7.7%). Whites received almost three-fourths (74.4%) of all first professional degrees that year, Asians almost 11%, blacks 7%, Hispanics 5%, and American Indians less than 1%. Of the law degrees awarded, 7.3% were earned by blacks, 6.4% by Asians, 5.7% by Hispanics, and 0.8% by American Indians. By way of contrast, Asians accounted for 17.3% of medical degrees and blacks accounted for 7.2% of them.

TABLE 8
First professional degrees awarded 1999-2000, by race-ethnicity

	Total*		White		Black		Hispanic		Asian		American Indian	
	N	Col%	N	Row%	N	Row%	N	Row%	N	Row%	N	Row%
All Fields	80,057		59,601	74.4	5,553	6.9	3,865	4.8	8,578	10.7	564	0.7
Dentistry	4,250	5.3	2,658	62.5	197	4.6	143	3.4	799	18.8	22	0.5
Medicine	15,286	19.1	10,475	68.5	1,106	7.2	825	5.4	2,639	17.3	124	0.8
Other	211	0.3	171	81	11	5.2	7	3.3	18	8.5	0	0.0
Other Health Prof'ns**	10,158	12.7	8,159	80.3	281	2.8	342	3.4	1,045	10.3	45	0.4
Pharmacy	5,669	7.1	3,725	65.7	465	8.2	195	3.4	1,139	20.1	30	0.5
Law	38,152	47.7	29,920	78.4	2,771	7.3	2,183	5.7	2,467	6.4	324	0.8
Theology	6,129	7.7	4,493	73.3	721	11.7	131	2.18	320	5.2	17	0.3

*Figures for nonresident aliens are not included in this table but ARE represented in the totals.
**Includes Optometry, Osteopathic Medicine, Podiatry, Veterinary Medicine, Chiropractic Medicine, and Naturopathic Medicine
Source: Partially recalculated from U.S. Department of Education, National Center for Educational Statistics, Integrated Postsecondary Education Data System (IPEDS), August 2001, cited in Digest of Education Statistics, 2001 as Table 278.

As was the case among all first professional degree recipients, law was the most common degree among African Americans. Just about half of the black recipients of first professional degrees in 1999-2000 received their degrees in law but only 20% earned degrees in medicine. Theology was a distant third, accounting for 13% of professional degrees awarded to blacks. Among Hispanics, law was also the most frequent professional degree; 56% of the professional degrees awarded to Hispanics in 1999-2000 were in law, followed by medicine (21%) and pharmacy (5%). Among American Indians, law (57%) was far ahead of other fields, approached only by medicine (22%). And among Asians, medicine edged out law (31% of professional degrees awarded to Asians were in medicine and 29% were awarded in law), followed by pharmacy (13%) and assorted other health professions (12%).

In short, law is a popular choice of profession among all college graduates, and especially among racial-ethnic minorities. Nonetheless, the representation of blacks, Hispanics, and American Indians among the recipients of law degrees (7.3%, 5.7%, and 0.8%, respectively) falls short of each group's representation in the larger population.

What these data highlight is the fact that law is not alone in the loss of potential practitioners at the level between entry into and completion of the educational prerequisites to participation in the profession. In fact, law does better in this regard than most of the other professions. The data suggest that increasing the pool of college graduates who are qualified for admission to programs of postbaccalaureate education could

[11]To be sure, the list is incomplete; it does not include first degrees earned in architecture, business, or engineering, to name the most prominent omissions.

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increase minority participation in many different professions. However, it is also likely that, while there may be obstacles that law shares with other professions, there are contributions related to the underrepresentation of racial-ethnic minorities that are specific to legal education. Therefore, it is also useful to examine the steps that are related specifically to preparing for, attending, and completing law school, and to the bar examination.

Losses Related to Legal Education

The questions that are specific to preparation for the law as opposed to other professions start with relative interest in attending law school among members of different racial-ethnic groups. That interest is defined here as taking the first step in the process of applying to law school, namely taking the Law School Admission Test (LSAT) that is required for entry into most U.S. law schools. Questions about the steps in the process include:

- Whether law attracts as diverse a population of college graduates as other postbaccalaureate options such as business school, medical school, or graduate school in the arts and sciences or engineering
- Whether the study of law is an attractive option for minority college graduates
- Whether individuals from different racial-ethnic groups apply to law school at roughly the same rates
- Assuming that they apply, whether test takers from different racial-ethnic groups are accepted into law schools at similar rates
- Assuming that they are accepted, whether members of different racial-ethnic groups enroll in law school at similar rates
- Whether enrollees in law school from different racial-ethnic groups persist at the roughly the same rates

In the sections that follow, the questions are posed in the order of their occurrence in the process of preparing to become a lawyer.

Interest in Legal Education Relative to Other Options

The data that describe first professional degrees (Table 8 above) show that, among the first professional degrees recorded by NCES, a law degree appears to be a popular choice for members of minority groups. What these data do *not* show, however, is the situation at the beginning of the process; that is, the numbers of minorities that *apply to*, rather than complete, the various post-baccalaureate programs. An important question that has not been investigated is whether and to what extent law as a career possibility loses out to other competing career possibilities among college graduates, particularly those with strong academic records, prior to taking the LSAT and applying to law school. One imperfect approach to the question is to compare the racial-ethnic composition of the populations that take admission tests for programs that provide professional preparation, for example, graduate schools of business and graduate programs in the arts and sciences.

Table 9 describes the racial-ethnic distribution of test takers in two major examinations, the Graduate Management Admission Test (GMAT) and the Graduate Record Examination (GRE), that are required for entry into postbaccalaureate educational programs, along with similar figures for the LSAT. The data show that, even taking repeat test taking into account, the LSAT attracts proportions of minority test takers that are at least equal to those of other testing programs. That is, white test takers account for 67% of the LSAT examinees but 74% of the GMAT-takers and 77% of the GRE-takers. Although the differences are small, slightly larger proportions of African Americans, Hispanics, Puerto Ricans, and individuals who identify their race-ethnicity as "Other" take the LSAT than take either of the two other tests. Only among Asians is the proportion of LSAT-takers lower than the proportion that take the GMAT and, among the relatively small numbers of Chicano test takers, proportionally more take the GRE than the LSAT. In aggregate, however, the LSAT attracts minority test-takers in proportions that match or exceed the proportions of minority examinees in the two other major testing programs, suggesting that minority group members are as interested in law school at the level of taking the test for admission as they are in at least two other professional options.

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TABLE 9
Test-taker volumes for three major testing programs, 1999-2000

	GMAT		GRE		LSAT	
	Number	%	Number	%	Number	%
No Response					571	0.6
American Indian	614	0.6	1,466	0.6	767	0.7
Asian	8,248	8.6	10,821	4.6	7,957	7.7
Black/African American	8,195	8.6	21,208	9.0	11,126*	10.8
Canadian Aboriginal					206	0.2
White/Caucasian	70,795	74.0	183,419	77.4	69,380*	67.4
Chicano	1,526	1.6	5,352	2.3	1,779	1.7
Hispanic	2,784	2.9	5,548	2.3	3,931	3.8
Puerto Rican	779	0.8	2,451	1.0	2,665	2.6
Other	1,619	2.8	6,640	2.8	4,600	4.5
Total	94,560		236,905		102,982*	

*These numbers include repeat test takers, without which the numbers would be smaller, 63,741 white/Caucasians, 10,102 black/African Americans, and 94,407 total; but the percentages roughly the same, 67.8% white/Caucasians and 10.7% of black/African Americans.
Sources: Profile of GMAT Candidates, Five-Year Summary 1995-2000; Sex, Race, Ethnicity, and Performance on the GRE General Test, 2001-2002; LSAC Volume Report, 1999-2000.

Interest in and Application to Law School

With respect to taking the requisite steps to prepare for the profession, data routinely collected by the Law School Admission Council (LSAC) represent an early manifestation of interest in the law as a profession. Because the LSAT is required of applicants to all of the ABA-approved law schools in the United States, LSAC data about test takers can be applied to the question of whether serious losses of potential law students from minority groups occur at the level of test taking.

Data collected by NCES show that 1,237,875 bachelor's degrees were awarded in 1999-2000 (U.S. Department of Education, August 2001). That year, 77.5% of the recipients of the degrees were white (and non-Hispanic) and 22.5% were members of minority groups. Among the groups for which data were reported separately, 9.0% were black (and non-Hispanic), 6.3% Hispanic, 6.5% Asian, and 0.7% American Indian.

There are striking differences in the rates at which the members of racial-ethnic groups seriously consider law school and, in this respect, members of racial-ethnic minority groups are well represented. Comparing the data that describe the recipients of bachelor's degrees with the data that describe LSAT-takers (Table 10), it appears that proportionally more minority than white college graduates took the test. Although these comparisons are not precise,[12] they do provide rough estimates of the relative magnitudes of bachelor's degree recipients—the pool—and the individuals in it who considered attending law school.

TABLE 10
LSAT-takers in 1997 and 1998, relative to bachelor's degree recipients, 1996-1997 and 1997-1998

	Bachelor's Degree Recipients, 1996-1997***	Bachelor's Degree Recipients, 1997-1998***	LSAT-Takers,1997****		LSAT-Takers, 1998****	
			N	%	N	%
White, Non-Hispanic*	79.3	76.1	49,101	67.9	46,170	64.4
Black, Non-Hispanic	8.3	8.3	8,273	11.4	8,216	11.5
Hispanic**	5.5	5.6	5,770	8.0	6,076	8.4
Asian	6.0	6.1	4,866	6.7	4,942	6.9
American Indian	0.7	0.7	642	0.9	601	0.8
Other			2,569	3.6	2,512	4.2
Unknown				1.5		3.8
Total	100.0	100.0		100.0		100.0

Note. Totals do not include individuals of "Other" racial-ethnic backgrounds or whose background is unknown. *U.S. governmental agencies disaggregate Hispanic background from race, but LSAC data do not.
**Includes "Chicano/Mexican American," "Hispanic/Latino," and "Puerto Rican"
***Source: United States Department of Education, National Center for Educational Statistics, results from Higher Education General Information Survey.
****Source: Law School Admission Council internal data, 1994-1995 through 1998-1999

[12]The percentages reported from the two sources are not strictly comparable, since the data collection instruments use different labels and treat missing data differently.

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More recently, almost one third (32.5%) of the LSAT examinees in 1999-2000 were members of minority groups, compared with 22.5% of those who received bachelor's degrees in that year. By way of contrast, non-Hispanic whites represented 70% of the LSAT-takers in 1994-1995 but received 81% of the bachelor's degrees awarded in that year.[13] With the exception of American Indians, larger proportions of members of each of the minority groups applied to law school than received bachelor's degrees.

It appears, then, that college graduates who are members of minority groups are proportionally more likely than their white counterparts to consider attending law school. At the same time, the representation of minority group members among LSAT-takers in relation to their proportional representation in the larger U.S. population varies by group. Hispanics continue to be under represented, African Americans approach the proportions they represent of the total population, and Asians are over-represented.

Who Applies to Law School

LSAC compiles information about LSAT-takers and their subsequent behavior with respect to applying to law school. To assess the relative likelihood of application among different subgroups of test takers, it is possible to compare the database that describes all LSAT-takers in a given administration year with the database that describes applicants—at least those known to the LSAC—to ABA-approved law schools for a reasonable number of years subsequent to the examination year. The two databases do not match exactly, because test takers do not always apply to law school during the year in which they took the test. Nonetheless, for a general idea of whether there are substantial losses of minority students at the stage of applying to law school after taking the LSAT, the two databases are useful in combination. To ensure that the results from a single year don't represent an anomaly, Table 11 shows the data from five testing years, describing "all test takers" for five years between testing years 1996-1997 and 2000-2001, juxtaposed with the numbers of applicants in the same years. The difference between the two numbers for each year is a rough estimate of nonapplicants.

TABLE 11
Nonapplicants compared with test-taker volume in testing years 1995-1996 through 2000-2001

		Applicants		Non-Applicants	
Testing Year	Total Number of Test Takers	N	%	N	%
1996-1997	91,340	71,841	78.6	19,499	21.4
1997-1998	90,900	70,860	78.0	20,040	22.0
1998-1999	91,975	73,091	79.5	18,884	20.5
1999-2000	94,407	73,401	77.8	21,006	22.2
2000-2001	96,201	76,117	79.1	20,084	20.9

Source: Law School Admission Council, Test-taker Files and End-of-Year Reports for 1996-97 through 2000-2001.

These data show that roughly 21% of the test takers in each of the five years of interest did not turn up as applicants to law school within a year of taking the test. The percentages are strikingly consistent from year to year, even when the total numbers of test takers vary. Table 12 attempts a more accurate rendering of nonapplicants for two testing years, by matching files of test takers with the files of applicants over a period of three years, and doing so separately for the racial-ethnic groups represented in the database.

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[13]These are not perfect indicators, since test takers don't always take the test during the same year in which they receive their bachelor's degrees.

TABLE 12
Application status between 1996-1997 and 2001-2002 of test takers in 1997-1998 and 1998-1999, by race-ethnicity

		Applicants		Nonapplicants	
Race-Ethnicity	Total	N	%	N	%
Test Takers 1997-1998					
No Ethnic ID	4,757	3,234	68.0	1,523	32.0
American Indian	703	527	75.0	176	25.0
Black/African American	9,736	7,590	78.0	2,146	22.0
White/Caucasian	55,961	44,550	79.6	11,411	20.4
Chicano/Mexican American	1,939	1,477	76.2	462	23.8
Hispanic	3,168	2,514	79.4	654	20.6
Asian/Pacific Islander	6,392	5,031	78.7	1,361	21.3
Puerto Rican	2,276	1,771	77.8	505	22.2
Other	3,191	2,617	82.0	574	18.0
Canadian Aboriginal	206	173	84.0	33	16.0
Total	88,329	69,484	78.7	18,845	21.3
Test Takers 1998-1999					
No Ethnic ID	3,781	2,718	71.9	1,063	28.1
American Indian	686	546	79.6	140	20.4
Black/African American	9,473	7,305	77.1	2,168	22.9
White/Caucasian	58,311	45,973	78.8	12,338	21.2
Chicano/Mexican American	1,657	1,297	78.3	360	21.7
Hispanic	3,324	2,659	80.0	665	20.0
Asian/Pacific Islander	6,319	4,964	78.6	1,355	21.4
Puerto Rican	2,229	1,693	76.0	536	24.0
Other	3,449	2,826	81.9	623	18.1
Canadian Aboriginal	188	150	79.8	38	20.2
Total	89,417	70,131	78.4	19,286	21.6

Source: LSAC, internal data, 1997-1998 through 2001-02.

Table 12 shows that, although the average rate of nonapplication is about 21%, that figure masks a range of from 18 to 25% among various racial-ethnic groups. The differences are not large, but they are consistent. And the absolute numbers represented by the proportions are substantial for the groups of interest. African American nonapplicants numbered 2,146 among those who took the test in 1997-1998 and 2,168 among those who took the test in 1998-1999. Nonapplicants from the three listed Latino groups (Chicano, Hispanic, and Puerto Rican) totaled 1,621 for the 1997-1998 testing year and 1,561 for the 1998-1999 testing year, a total of 3,182 Hispanic test-takers. So, although differences among racial-ethnic groups in whether they apply to law school following the test are small, the rates themselves appear to be lower among certain minority groups than others.

Acceptance into Law School

More than 74,500 individuals applied to ABA-approved law schools for admission in fall 2000. Roughly 69% of them were accepted. As Table 13 clearly shows, however, the overall acceptance rates were not the same for members of different racial-ethnic minority groups. Moreover, with the exception of Asians and those who identified themselves as of "other" race-ethnicity, all minority groups identified by the data were accepted at lower rates than were whites. Fewer than half (43.7%) of the black applicants were admitted to at least one of the law schools to which they had applied in 1999-2000, compared with 65.1% of the white applicants. Hispanic applicants were admitted at a rate of 54%, although the rates for the three individual groups ranged from 36% of Puerto Ricans[14] to 65% of Chicanos.

[14]This percentage may be deflated by virtue of the fact that three law schools in Puerto Rico failed to report their admission numbers for 2000.

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TABLE 13
Applicants admitted to law school, by race-ethnicity, fall 2000

	Applied		Admitted		
Race-Ethnicity	N	% of total pool	N	% of applicants (acceptance rate)	% of admitted pool
White	48,684	65.3	36,290	65.1	72.2
Black	8,503	11.4	3,718	43.7	7.4
Asian	5,278	7.1	3,590	69.7	7.1
Chicano	1,313	1.8	847	64.5	1.7
Hispanic	2,949	4.0	1,799	61.0	3.6
Puerto Rican	1,957	2.6	707	36.1	1.4
Total Hispanic	6,219	8.3	3,353	53.9	6.7
American Indian	609	0.8	383	62.9	0.8
All Minority	20,620	27.7	11,045	53.6	22.0
Other	2,908	3.8	1,903	66.4	3.8
Total	74,550	*	50,275	69.0	*

*Percentages do not total to 100 because Canadian Aboriginal applicants and those who failed to indicate an ethnic identity were not included among the groups reported but their presence is reflected in the totals.
Source: Law School Admission Council, National Statistical Report for 2000.

The situation is more complicated, however, than the overall rates suggest. Acceptance into law school is highly correlated with applicants' academic credentials; that is, their LSAT scores and undergraduate grade-point averages (UGPAs). Rates of acceptance for the various racial-ethnic subgroups are related to the respective distributions of their credentials; which are not identical (see Table 14). When the groups are matched with respect to test scores and UGPA, the comparative acceptance rates look quite different. While the rates of acceptance rates for candidates with high test scores and UGPAs are quite similar, more of the black and Hispanic candidates than white candidates are clustered in the low end of the score and grade distributions.

TABLE 14
Mean UGPAs and LSAT scores, by race-ethnicity, testing years 1998-1999, 1999-2000, and 2000-2001

	1998-1999		1999-2000		2000-2001	
	UGPA	LSAT	UGPA	LSAT	UGPA	LSAT
African American	2.83	142.6	2.85	142.6	2.87	142.8
Native American	2.98	148.9	2.99	148.2	3.05	148.6
Asian American	3.17	152.8	3.18	153.0	3.19	152.7
Caucasian	3.19	153.4	3.21	153.6	3.23	153.6
Hispanic	3.01	147.4	3.02	147.7	3.04	147.4
Mexican American	3.00	148.4	3.03	148.7	3.03	148.3
Puerto Rican	3.06	139.7	3.07	139.2	3.09	138.7
Other	3.12	151.2	3.15	151.3	3.16	151.4

Source: LSAC, internal data, 1998-1999 through 2000-2001.

Nonetheless, the impact of differential rates of acceptance among different racial-ethnic groups on the composition of the admitted class may be seen in the comparison between the "% of applied" and "% of admitted" columns of Table 13. Whereas 65% of law school applicants in 2000 were white, whites comprised 72% of the admitted pool. Black and Latino applicants are most seriously affected by the differential rates of acceptance. Where 11.4% of the applicant group was black, blacks represented only 7.4% of the admitted pool. Hispanics made up 8.3% of the applicant pool and 6.7% of the admitted group. The proportional representation of Asians, on the other hand, was identical in the applicant pool and among admitted applicants. In short, there are substantial losses at the stage of admission to law school among certain racial-ethnic groups, a finding that merits further study.

Law School Enrollment

Most people who are accepted into law school enroll. Enrollment rates for accepted students look very much the same for all groups, ranging from 80 to 84% (see Tables 15 and 16, which report enrollment rates from different sources). LSAC data show that approximately 82% of the admitted white applicants enrolled in law school in fall 2000 and the rates for various minorities ranged from 80% of Asians to 84% of Chicanos (83% of Hispanics overall); 83% of the black applicants enrolled. Because subgroups of admitted applicants enroll in law school at similar rates, the racial-ethnic composition of the first-year class is closer to that of the pool of admitted students than it is to the applicant pool. Table 16 is derived from the 2002 edition of the

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ABA-LSAC Official Guide to ABA-Approved Law Schools and shows enrollment by race-ethnicity in fall 2000 in all of the then 183 ABA-accredited law schools in the United States. The total enrollment in J.D. programs in fall 2000 was 125,173, of which the 25,753 members of minority groups made up 20.6%. The percentage figures are close but not identical to the data describing enrolled students in Table 15, not just because the two reflect different years but also because the data in Table 16 reflect total enrollment and not just first-year enrollment. Since, as will be explained in a later section of this report, minorities tend to drop out of law school at higher rates than white students, the percentages of minority group members in the overall enrollment data are lower than the percentages in the first-year class.

TABLE 15
Admitted applicants who enrolled in law school, by race-ethnicity, fall 2000

	Admitted		Enrolled		
Race-Ethnicity	N	% of Admitted Applicants	N	% of Enrolled Applicants	% of Admitted Applicants (enrollment rate)
White	36,290	72.18	29,853	73.49	82.3
Black	3,718	7.4	3,096	7.91	83.3
Asian	3,590	7.1	2,875	7.03	80.1
Chicano	847	1.7	711	1.95	83.9
Hispanic	1,799	3.6	1,490	3.71	82.8
Puerto Rican	707	1.4	576	1.52	81.5
Total Hispanic	3,353	6.7	2,777	7.2	82.9
American Indian	383	0.8	310	0.77	80.9
All Minority	11,045	22.0	9,058	22.0	82.0
Other	1,903	3.8	1,509	3.63	79.3

Source: LSAC, internal data, 2000.

TABLE 16
Minority J.D. enrollments, fall 2001

Group	Number	Percentage
African American	9,354	7.5
American Indian	952	0.8
Asian	8,173	6.5
Mexican American	2,417	1.9
Puerto Rican	680	0.5
Other Hispanic	4,177	3.3
Total Hispanic	7,274	5.8
Total Minority Enrollment	25,753	20.6

Source: ABA-LSAC Official Guide to ABA-Approved Law Schools, 2002 edition, p. 804.

An older source of data about minorities in law school is the Bar Passage Study, one of the few extant longitudinal studies of law school students, conducted over a five-year period by the Law School Admission Council.[15] A report of the first-year data from that study describes the composition of the first-year law school class that entered in fall 1991, in which students of color represented 16.1% of the cohort (Wightman, 1995, p. 12). The change over a ten-year period may be approximated by comparing that distribution with the ABA data on first-year minority enrollments for 2001 (Table 16). Juxtaposing the two tables shows once again that minority enrollment has been increasing, albeit slowly. In 1991, 82.2% of the first-year law school class that participated in the Bar Passage Study was white and 16.1% was made up of students of color. By 2001, white enrollment had decreased slightly, to just under 80%, and total minority enrollment increased accordingly, to just over 20%. The proportions of all minority groups, with the exception of Puerto Ricans, increased by small amounts. For purposes of comparison, African Americans represented 12.1% of the total U.S. population in 1991, and Hispanics, who could be of any race, made up 9%. Another point of comparison

[15]This ambitious examination of bar passage in the United States followed the cohort that entered law school in the fall of 1991 in order to bring national data to bear on the question of whether there were differences in bar passage rates among racial-ethnic groups. The five-year study began by enlisting the participation of 172 accredited law schools in the (mainland) United States and collecting information from all entering students in the 163 schools (95% of those solicited) that agreed to cooperate. Data for the study were supplied by the students themselves, the schools they attended, and the jurisdictions in which they sat for the bar examination. Ultimately, the study gathered bar passage results for roughly 70% of the fall 1991 entering class.

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is the population of recipients of undergraduate degrees in the academic year prior to fall 1991. The Chronicle of Higher Education reported that just under 6% of the bachelor's degrees awarded that year were earned by African Americans and 3.3% were earned by Hispanics. (See Table 17.)

TABLE 17
1991 first-year law students participating in the bar passage study, by race-ethnicity

Race-Ethnicity	Number	Percent
Total	28,889	100
American Indian	147	0.5
Asian American	1,198	4.2
Black	1,976	6.8
Mexican American	526	1.8
Puerto Rican	177	0.6
Other Hispanic	639	2.2
Total Minority	4,663	16.1
White	23,755	82.2
Other	422	1.5
Missing	49	0.2

Source: Wightman, Linda F. (1995). Legal education at the Close of the Twentieth Century: Descriptions and Analyses of Students, Financing, and Professional Expectations and Attitudes. Research Report. Newtown, PA: Law School Admission Council.

In comparison with the general population, then, African Americans and Hispanics were underrepresented in law school in 1991. Since then, law schools appear to have been enrolling proportionally more of the African Americans and Hispanics who were awarded bachelor's degrees in the previous year. A comparison of the data from 1991 and 2001 shows that the percentages of African American and Hispanic law students increased over the 10-year period, from 6.8 to 7.5 among African Americans and from 4.6 to 5.8 among Hispanics. In 1991, African Americans but not Hispanics were enrolled in law school in proportions that were slightly higher than their representation in the pool of bachelor's degree recipients earlier that year.

Persistence in Law School and Degree Attainment

National data about persistence in law school are difficult to come by and often must be inferred by juxtaposing information from different sources. Since attrition is the obverse of persistence, one approach is to examine enrollment figures—supplied by the ABA—for first-, second-, and third-year students in three successive years. The difference between one year's enrollment figures and those of the previous year can be considered attrition. Table 18 does exactly that, comparing the first-year enrollments in fall 1998 with second year enrollments in fall 1999 and second-year with third-year enrollments in fall 2000, by race-ethnicity. (These figures can be further juxtaposed with those for law degrees conferred in 2000.) According to these data, 21.2% of the 42,804 students who entered J.D. programs as first-year students in 1998 were members of minority groups

Total enrollment in the third year was just under 90% of the first-year enrollment, representing an overall (imputed) rate of attrition of about 10%. As Table 18 and Figure 6 both show, attrition among minority students between the first and third years amounted to roughly 15%. That is, the third-year enrollment of minority students in 1996 was 85% of first-year enrollment. Attrition for specific groups over that period ranged from a low of 7% among Puerto Rican students[16] (although the attrition rate for all Hispanics was about 14%) to a high of almost 21% among African American students. The rate for American Indian students was nearly 20%. However, for white and Asian students, the rates were considerably lower, about 9%. Among all groups, attrition was greater between the first and second years than between the second and third.

[16] As noted earlier, the figure does not include data from three Puerto Rican law schools, which may have resulted in an underestimation of attrition for this group.

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TABLE 18
Inferring attrition from law school: 1998-2000; enrollment data from three subsequent years

	1st year [1998]	2nd year [1999]		3rd year [2000]	
		N	% of 1st year	N	% of 1st year
White*	33,728	31,555	93.6	30,770	91.2
American Indian	361	294	81.4	290	80.3
Asian	2,762	2,519	91.2	2,510	90.9
African American	3,478	2,903	83.5	2,757	79.3
Chicano	885	772	87.2	734	82.9
Puerto Rican	206	188	91.3	191**	92.7
Other Hispanic	1,384	1,200	86.7	1,208**	87.3
All Hispanic	2,475	2,160	87.3	2,133	86.2
Total Minority	9,076	7,876	86.8	7,690	84.7
Total	42,804	39,431	92.1	38,460	89.8

*Inferred by subtracting total minority enrollment from total enrollment for each year.
**This number is larger than the number of second-year students, and may reflect the re-entry of students that "stopped out" for a year or more and subsequently returned.
Source: ABA-LSAC Official Guide to ABA-Approved Law Schools, 2002 edition for law school enrollment data and National Center for Education Statistics for degrees conferred.

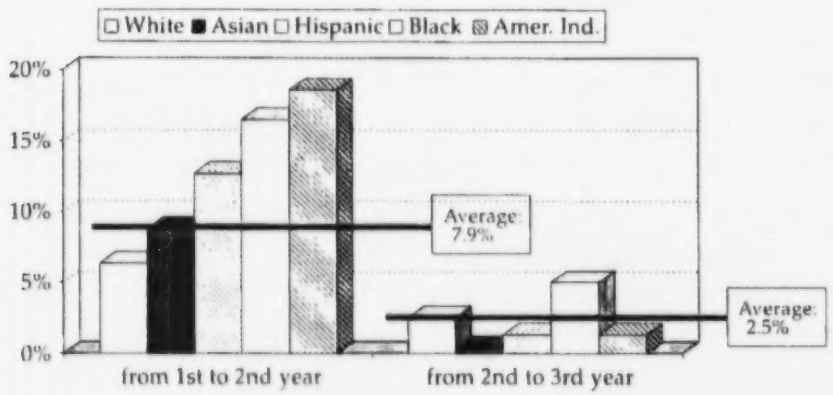

FIGURE 6. *Inferred attrition from law school, by race-ethnicity, 1998-2000*

The *ABA-LSAC Official Guide to Law Schools* reports school-specific information on attrition, separately by year in school (first-year, second-year, etc.) but not separately for racial-ethnic groups. The information from the 2003 version of the *Guide*, which reflects attrition data collected in fall 2001, confirms that most attrition occurs in the first year of law school (and includes students who transfer to other law schools as well as those who drop out) and drops off after that; very few students leave law school in the third year and virtually none from a fourth (when, of course, the base attendance is considerably smaller than in other years). Moreover, the rates vary from zero (one school reported no attrition from any of the classes for the period between October 2000 and October 2001) or virtually zero (five schools reported rates of 1% or less) to a high of 54%, indicating that rates of attrition vary greatly across law schools. The median rate of attrition for the 185 schools that are included in the *Guide* was 11.6%.

The ABA collects and aggregates but does not report attrition data for all law school students and for minority law school students; the latter category is a subset of the former. These data show that, over the 2000-2001 academic year, a total of 5,806 students, of whom 1,625 were members of minority groups, left law school for one reason or another (see Table 19). The overall attrition rate from all four years of law school during 2000-2001 was 6.3% of all minority group members and 4.6% of all law school enrollees. These numbers included 1,531 students who transferred, 326 of whom were members of minority groups. Transfers thus accounted for 26.4% of all students and 20.1% of the minority students who left law school. The difference between minorities and whites would be slightly larger were the former not included in the category of "all students."

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TABLE 19
Attrition rates, academic year 2000-2001, all students and minority students

	All		Minority	
	N	%	N	%
1st Year	3,922	9.0	1,127	12.1
2nd Year	1,772	4.0	416	5.2
3rd Year	281	0.7	74	1.0
4th Year	31	0.8	8	1.2
Total	5,806	4.6	1,625	6.3

Source: American Bar Association, personal communication

The ABA also collects information about the reasons students give for leaving law school. The *ABA Official Guide* distinguishes among four sets of reasons (although in the Guide, only "Academic" and "Other" reasons are reported) and, although it is not clear how these categories are defined, more of the attrition reported is attributable to nonacademic than academic reasons. An accounting of reasons for leaving law school students appears in Table 20.

TABLE 20
Reasons for attrition, academic year 2000-2001, white and minority students

	White Students		Minority Students	
	N	%	N	%
Academic	1,051	35.3	755	58.1
Health	180	6.1	64	4.9
Financial	99	3.3	36	2.8
Other	1,646	55.3	444	34.2
Total	2,976	100	1,299	100

Source: ABA, personal communication

These figures represent recalculations of the original data, to omit transfers from the list of reasons for leaving and to separate "minorities" from "all students." The table shows that the reported reasons are not the same for the two groups. Minorities are more likely than all other (presumably white) students to say that they are leaving law school for academic reasons, and white students are more likely than minority students to say that they are leaving law school for "Other" reasons, the two largest categories of reasons for attrition. The two least-frequent stated reasons for leaving law school are health and financial circumstances. There appear to be only small differences between the two groups in the frequency with which they leave for financial reasons, which account for relatively small proportions attrition in both groups. And health reasons for attrition seem more related to gender than to race in that women from both groups are more likely than men from both groups to attribute their exodus from law school to health causes. Figure 7 displays the same information graphically.

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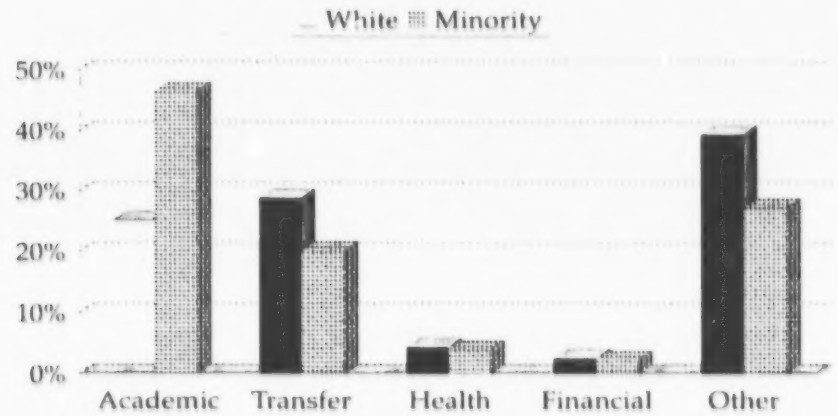

FIGURE 7. *Reasons for attrition—academic year 2000–2001 by majority and minority status*

Data about graduation from law school for the class that entered in fall 1991 are available from the LSAC Bar Passage Study (see Table 21). The data show that law students from different racial-ethnic groups graduate at different rates, and that the graduation rates for minorities were generally lower than those for whites. In 1994-1995, 85.3% of the white participants in the Bar Passage Study, compared with 73% of the black participants, had graduated by the end of the study. Seventy-eight percent of the American Indian participants and 81% of Asian American participants graduated then, and the rates among Hispanic groups ranged from 79% of Mexican Americans to 84.5% of those who reported their ethnicity as "Other Hispanic."

TABLE 21
Graduation rates of participants in LSAC Bar Passage Study

	First-year Law Students Fall 1991	Law School Graduates 1994-1995	Graduation Rate
American Indian	147	114	77.6%
Asian American	1,198	968	80.8%
Black	1,976	1,443	73.0%
Hispanic	639	540	84.5%
Mexican American	526	415	78.9%
Puerto Rican	177	138	80.0%
White	23,755	20,256	85.3%

Source: Wightman, Linda F. (1997) The Threat to Diversity in Legal Education: An Empirical Analysis of the Consequences of Abandoning Race as a Factor in Law School Admission Decisions. *New York University Law Review, 72*(1), pp. 1-53.

Another view of law school completion among racial-ethnic groups can be seen in the racial-ethnic composition of the recipients of law degrees in any given year. NCES, through its Higher Education Information Survey, collects data that have already been described about first professional degrees conferred. In 1998-1999, the most recent year for which data are available, more than 39,000 law degrees were awarded in the United States (see Table 22). According to these data, noncompletion was higher among the black, American Indian, and Hispanic students who entered law school in 1991 than among white and Asian American students. At the same time, the numbers may overestimate noncompletion, since there are undoubtedly some law school graduates who do not take the bar exam.

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TABLE 22
Law degrees conferred, 1998-1999, by race-ethnicity

	Number	Percent
White	30,746	78.50
Black	2,803	7.16
Hispanic	2,323	5.93
Asian	2,461	6.32
American Indian	350	0.89
Non-resident Alien	484	1.03
Total	39,164	100

Source: Department of Education, National Center for Educational Statistics, 1998

Figure 8 offers a graphic summary of the minority composition of participants in legal education, from receipt of bachelor's degree to receipt of law degree. What the figure shows clearly is how the representation of each racial-ethnic group does or does not change with each step in the process.

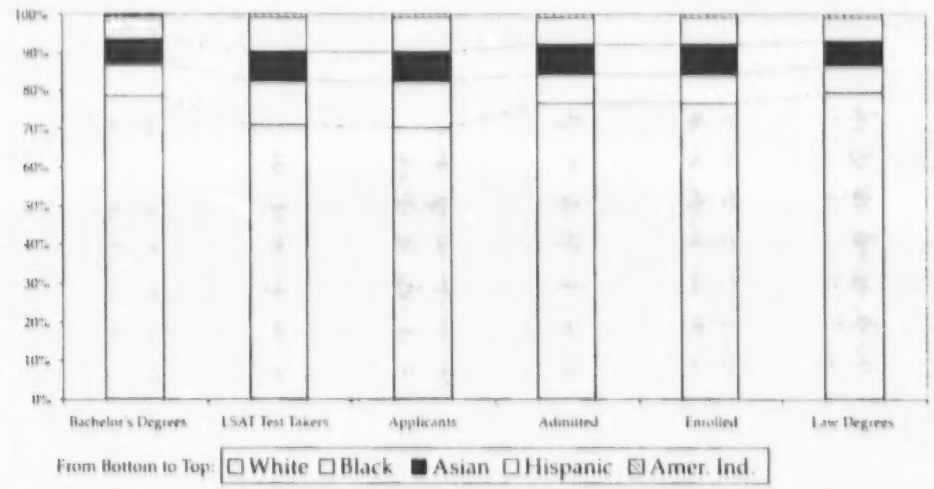

FIGURE 8. *From bachelor's degree to law degree by race-ethnicity*

Bar Passage

Of all of the sources of loss of potential minority lawyers, failure to pass the bar examination seems the most costly. It represents, in most cases, an outlay of three years of hard work without the anticipated reward. Moreover, it affects individuals who came closest to achieving membership in the legal profession. Questions about events at this late stage of the road to law school are whether members of different racial ethnic groups take the bar examination at similar rates and whether, having taken the bar examination, members of different racial ethnic groups pass at the same rate.

Taking the Bar Examination

Although the vast majority of law school graduates take the bar examination, there is little information about how many law school graduates in the U.S. as a whole elect not to take it, and why they make that decision. Data from the Bar Passage Study offer a rough estimate of the relationship between entry into law school and taking the bar exam (see Table 23).

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TABLE 23
Racial-ethnic distribution of 1991 first-year law students participating in the LSAC Bar Passage Study and of bar examinees among the participants

	First-year class, 1991*		Bar Examinees**	
Race-Ethnicity	N	%	N	%
American Indian	147	0.52	107	0.46
Asian American	1,198	4.15	961	4.16
Black	1,976	6.84	1,368	5.93
Mexican American	526	1.82	398	0.72
Puerto Rican	177	0.61	128	0.55
Other Hispanic	639	2.21	530	2.25
White	23,755	82.23	19,285	83.54
Other	422	1.46	319	1.38
Missing	49	0.17		
Total	28,229	100	23,086	100

Sources: *Wightman, Linda F. (1995). Legal Education at the Close of the Twentieth Century: Descriptions and Analyses of Students, Financing, and Professional Expectations and Attitudes, Research Report (p. 13). Newtown, PA: Law School Admission Council.
**Wightman, Linda F. (1998). LSAC National Longitudinal Bar Passage Study, Research Report (p. 27). Newtown, PA: Law School Admission Council.

The table shows that bar examination results were available for only 82% of the original participants in the study.[17] However, the loss was not evenly distributed across racial-ethnic groups, as should have been the case had the reduced numbers been attributable solely to the absence of bar passage information about individuals. A slightly higher percentage of the bar examinees than the original student population was white (83.5% of the bar examinees in the study, compared with 82.2% of the first-year students) and there were equal proportions of Asians in the two groups. However, only 69% of the black first-year students, 73% of the American Indian first-year students, and 78% of the Hispanic first-year students showed up among the bar examinees. The comparable percentages for white and Asian participants were 81 and 80 respectively.

There are undoubtedly multiple explanations for these uneven losses, and the data do not distinguish among the possible reasons. Attrition from law schools has already been discussed. The underrepresentation of some groups among bar examinees relative to their representation at the start of the study may mean lower graduate rates among these groups or failure to take the bar examination for some reason. The loss of some racial-ethnic minority group members at the level of taking the bar examination deserves further scrutiny.

Passing the Bar Examination

Most people who take the bar examination pass it, and this is true for all racial-ethnic groups (see Table 24 and Figure 9). Data from the Bar Passage Study show that the eventual bar passage rate for the full group of study participants was 94.8%. However, the rates for racial-ethnic subgroups varied from 96.7% among white bar examinees to 77.6% among African American examinees. The overall pass rate for Hispanics reflects a range from 79.7% for Puerto Rican bar examinees to 89.0% among those who identified themselves as Hispanic; the rate for Mexican Americans, the remaining group, was 88.4%. All of these rates fall short of the rate for white examinees, as Figure 9 shows.

TABLE 24
Eventual bar passage rates among selected racial-ethnic groups

	Total		Bar Passage	
Racial-Ethnic Group	Number	Percent*	Number	Percent**
Total	23,086	100	21,886	94.8
American Indian	107	0.5	88	82.2
Asian American	961	4.2	883	91.9
Black	1,368	5.9	1,062	77.6
Mexican American	398	1.7	352	88.4
Puerto Rican	128	0.6	102	79.7
Hispanic	520	2.2	463	89
White	19,285	83.5	18,644	96.7
Other	319	1.4	292	91.5

*Of bar examinees
**Bar passage rate
Source: Wightman, Linda F. (1998). LSAC National Longitudinal Bar Passage Study, Research Report (p. 32). Newtown, PA: Law School Admission Council.

[17]Some of the loss may be attributed to attrition from law school, some to the unavailability of bar examination information for all students. The data here reflect the full Bar Passage Study cohort of students who entered law school in 1991 and what is known of their bar passage outcomes.

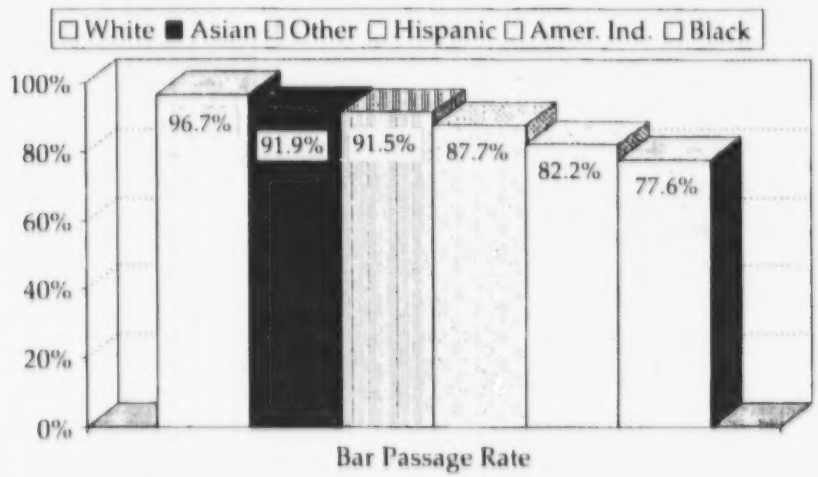

FIGURE 9. *Eventual bar passage rates among selected racial-ethnic groups*

Because these are aggregate data for the national population of bar examinees, they mask the fact that the bar examination is administered at the level of individual jurisdictions (states) and that the distribution of racial-ethnic groups among the various jurisdictions in which the total group of bar examinees took the test is quite uneven. The report did point out that the numbers of racial-ethnic minorities who took the test in each jurisdiction were not proportional to the numbers of white examinees in those jurisdictions. So, for example, roughly one-third of Mexican American bar examinees sat for the bar examination in California, and slightly more than one-third did so in Texas. This means that two states accounted for two-thirds of the Mexican American bar examinees. Seven states accounted for roughly 55% of the black bar examinees, but only 48% of the white bar examinees in the study. Bar passage rates for individual jurisdictions were not reported by racial-ethnic group, but it is well known that there are differences among jurisdictions in the difficulty of passing the bar examination. First-time bar passage rates for the 10 geographic regions identified in the Bar Passage Study findings ranged from 82.9% to 92.8% and, according to the report, these differences were not as large as those found among individual jurisdictions (page 21).

What this all means is that understanding the lower rates of bar passage among specific racial-ethnic groups requires a more differentiated understanding of where minority examinees take the exam and of the circumstances and relative difficulty of the examination in those jurisdictions. Focusing on jurisdictions might help to answer at least some of the questions raised but not answered by the Bar Passage Study about differences in bar passage rates.

Summary

A major objective of this article has been to identify places along the road to becoming a lawyer at which there are significant losses of minority group members relative to the rates at which whites progress. The starting point for assessing minority group participation, in addition to the participation levels of whites, is each group's representation in the larger U.S. population. In many cases, the numbers and percentages reflecting minority participation represent increases over earlier years. However, underrepresentation persists and may become more serious as the U.S. population has been increasing in diversity more rapidly than has the population of individuals admitted to the bar.

The underrepresentation of some racial-ethnic minority groups starts in this account with high school graduation. Despite significant improvements since the 1970s in the high school graduation rates of black, Hispanic, and Native American students, lower rates of high school graduation among these groups restrict the pool from which law school students can be drawn. Lower rates of college participation and completion further reduce the number of potential lawyers, since entry into law school requires a bachelor's degree.

Assuming that taking the LSAT demonstrates interest, members of racial-ethnic minority groups demonstrate interest in legal education at least in proportion to their representation in the pool of college graduates. Substantial proportions of the pools of minority group college graduates take the LSAT. And, because the proportions of LSAT-takers who do not apply to law school after having taken the test are

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roughly equal (between 20 and 22%) for all groups, there is no disproportionate loss of any single group at this stage. However, because there are fewer minorities than members of the majority group, the loss in absolute numbers may be considered more serious for the former.

At the level of admission, the racial-ethnic profile of the group of applicants admitted to law school is different from that of the applicant pool. Even though groups may apply to law school in percentages approaching their representation in the population of individuals with bachelor's degrees, their overall rates of admission of minority applicants are generally lower than those of white applicants. Since these rates are not uniform across the distributions of LSAT scores and UGPAs, the differences in overall acceptance rates may be attributed at least in part to the minority-majority gap in these measures.

As was the case with college, then, minorities enter legal education at rates that are lower than those of their white counterparts. In addition, law school persistence and completion are lower for black, Hispanic, and Native American law school students than they are for Asian and white students.

Figures 10 and 11 summarize the ways in which the processes just described affect the racial composition of the legal profession from different vantage points. From Figure 10, it can be seen that, *with the single exception of African Americans*, the racial-ethnic composition of the population of law school graduates looks very much like that of the population of individuals with bachelor's degrees. The percentages of law degrees earned by Asians, Hispanics, and American Indians are virtually identical to the percentages of bachelor's degrees earned by those groups. Only among African Americans is there a drop-off between bachelor's degree and law degree, with the result that African Americans are underrepresented among the latter. Figure 11 includes bar passage and the legal profession, and compares the racial-ethnic composition of the population at these stages with that of the total U.S. population. Because black, Hispanic, and Native American bar examinees pass at lower rates than their Asian and white counterparts, the end result is a legal profession in which these groups are underrepresented relative to the total population.

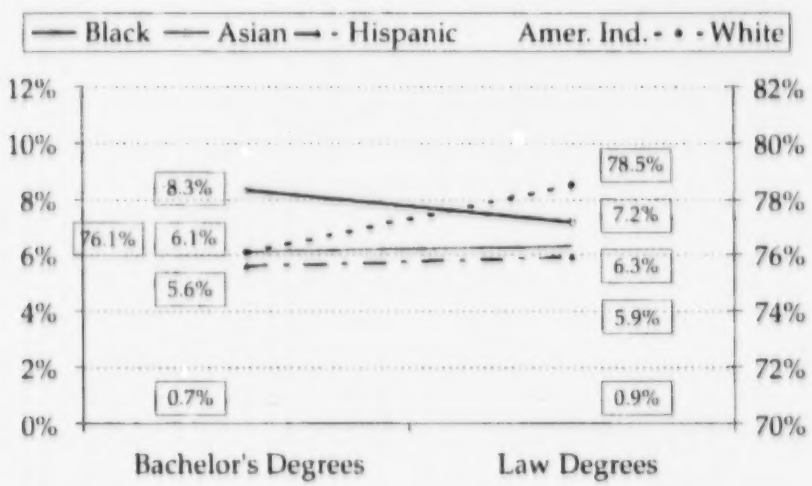

FIGURE 10. *Summary—From bachelor's degree to law degree by race-ethnicity*

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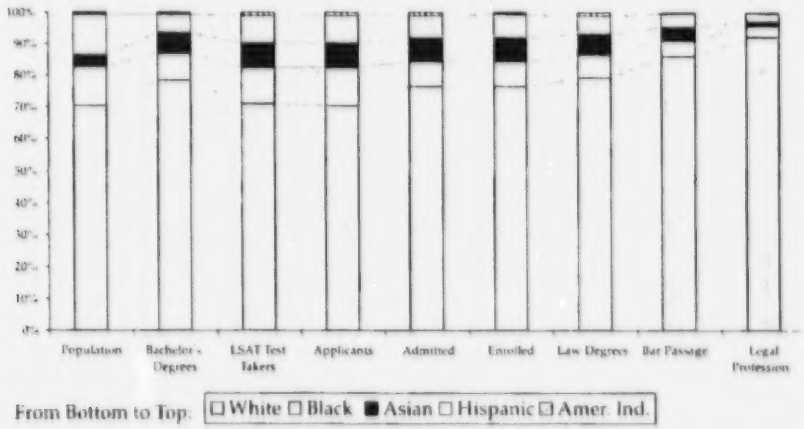

FIGURE 11. *Racial-ethnic representation along the pipeline to the legal profession measured against the U.S. population*

Discussion

Limitations of the Data

The information that has been presented and summarized was gleaned from multiple sources, which fact accounts for both its strengths and its shortcomings. Because the data were collected at different times, using different instruments and questions, and, frequently, different reporting categories, there are often inconsistencies among them, mostly minor ones. Some conclusions have been reached as a result of combining data from different sources, with the result that the numbers that support the conclusions don't always appear to "add up." Trends over time have been inferred from cross-sectional data collected in different years from different cohorts of individuals rather than having been observed in single populations. The two longitudinal data sets that described herein—the High School and Beyond survey and the Bar Passage Study—are dated.

What is evident from the multiple sources, however, is that they converge to tell the same basic story, even when numbers vary slightly from source to source. There is fundamental agreement across the data sources that African Americans, Hispanics, and Native Americans are underrepresented, relative to both their proportions in the larger population and, with the exception of African Americans, the population of individuals eligible to participate, at key junctures along the path to the legal profession.

Main Findings

The most heartening trend observed in the data just presented is the substantial increase in the participation of minority groups in legal education since the 1970s. The experience of at least one minority group—Asian Americans—along the pathway to the legal profession is similar to that of whites. Among groups that continue to be underrepresented—blacks, Hispanics, and Native Americans—both their numbers and proportions have increased at virtually all of the junctures treated in the report. Compared with as recently as 25 years ago, more minorities now are graduating from high school, entering programs of post-secondary education, earning certificates and degrees beyond high school, and earning bachelor's and advanced degrees. Law continues to be the most popular choice of profession among underrepresented minorities entering postbaccalaureate education. And, even acknowledging that the pool of eligible incumbents may be restricted by virtue of earlier losses, there is evidence that attrition is nonexistent or low at some places along the path. For example, the proportions of minority LSAT-takers approach the levels of their representation in the larger population and the pool of college graduates. The proportions that apply to law school having taken the test are similar for minority group members and whites. And the proportions that enroll in law school having been accepted are similar for all groups. Except for African Americans, whose proportions drop between receipt of a bachelor's degree and a law degree, racial-ethnic minorities are represented among law graduates in the same proportions as they are among college graduates. With respect to the practice of law, there are areas of practice—judgeships and public interest law—in which the relative

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proportions of blacks and Hispanics actually exceed those of whites and Asians.

Why, then, is there continuing concern about the situation of certain minorities groups in the law? Simply put, underrepresentation in the legal profession by blacks, Hispanics, and Native Americans persists. Relative to both the available pools of minority high school graduates and the proportions that these minorities represent in the larger U.S. population, smaller proportions of minority high school graduates are available to participate in post-secondary education. The presence of minorities is further reduced at the level of baccalaureate degree, as Figure 11 clearly indicates. From reduced pools of black and Hispanic college graduates, although a relatively representative group considers law school sufficiently seriously to take the LSAT and apply, black and Hispanic applicants are accepted at lower rates than are white and Asian applicants, in part because of different distributions of entering credentials between and among groups. The result is a first-year law school class that does not reflect the composition of the applicant pool. The potential pool of minority lawyers is further reduced by higher attrition among black, Hispanic, and Native American than among white and Asian law students. Finally, the loss continues at the levels of taking and passing the bar exam, as the rates for both of these are lower for black and Hispanic examinees than they are for white and Asian test takers.

Implications of the Findings

It is not difficult to see from this account of the process that there are opportunities for intervention along the path to legal careers that might increase minority participation in the profession. There are at least two ways to think about taking action to increase diversity in the legal profession, particularly with respect to the two groups that have been highlighted here. One is to consider the points in the legal education process at which underrepresentation seems most severe, and focus on those. Another is to assume that any action that increases the number of minority group members in a particular part of the process of preparing for a career in law should serve the goal of increased diversity. The ideal, of course, is to pursue multiple strategies that include both forms of action.

Although there are other junctures at which reductions in the number and percentage of potential lawyers occur, persistence in law school and taking and passing the bar examination seem to be places where the loss of underrepresented minorities seems most serious, at least in part because they happen so far along in the process. Thus, an important next step is to probe these two phenomena. It will be important to learn why black and Hispanic students leave law school before finishing at higher rates than other groups and to research in greater detail than was possible in the Bar Passage Study the reasons for the lower rates of bar examination participation and passage among black and Hispanic bar examinees. Admission to law school is a major juncture at which the representation of black and Hispanic students is reduced. When the dust settles, the first-year law school class is less diverse racially and ethnically than the applicant pool. As the data have demonstrated, the loss of potential minority first-year students happens at the level of admission, rather than at the level of failure to enroll once admitted. It is therefore important to examine the application-and-admission process more finely. Differences in the both the average UGPAs and LSAT scores of black, Hispanic, and Native American applicants to law school relative to those of white and Asian applicants undoubtedly contribute to the lower rate of acceptance to law school among these minority groups. As social scientists turn their attention to test-taking and the test-score gap, their findings may be incorporated into programs designed to improve minority performance on entrance examinations.

For some number of years, the effect of the gap in credentials in depressing minority enrollment was compensated for through in programs of affirmative action. As legal challenges to affirmative action proliferate, attention has and will be directed increasingly to the role of admission credentials. While the causes of the gap in credentials and test-score differences are many and complex, any attempt to increase minority participation in college, law school, and the legal profession must examine the meaning and use of these credentials as well as the overall process of admitting candidates to law school.

Another area for research and ultimate action is the loss of candidates between test taking and application. While the rates of nonapplication are similar across racial-ethnic groups, it would be useful to learn why some minority students, particularly those who do well in undergraduate school and on the LSAT, take the LSAT but never apply to law school. Research will be needed to learn whether test takers are discouraged from applying to law school for some reason or actively pursue options that they perceive as more desirable.

With respect to increasing minority representation in legal education and the legal profession, there are additional places in the process that are ripe for intervention. Any effort to improve baccalaureate degree completion among African American and Hispanic students would serve all professions well. Another more challenging task involves confronting the gap in credentials through diagnosis of its causes and the creation of programs to address them. Such an approach might be combined with attempts to recruit more law school applicants from among college attendees, through programs that combine education about careers in the law

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with programs to improve preparedness for legal study. Yet another is to reach further down into the potential pool and attempt to interest more young people in the law.

In short, there are multiple reasons and processes that are implicated in the underrepresentation of minorities in the law. Learning more about them should be the next step toward increasing diversity in legal education and the profession.

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